REMARKS

The Office Action mailed October 3, 2005 has been carefully reviewed and the following remarks are made in consequence thereof.

Claims 1-20 are pending in this application. Claims 1-19 stand rejected. Claim 20 is objected to.

The rejection of Claims 1-19 under 35 U.S.C. § 103 as being unpatentable over Durbin (U.S. Pub. No. 2002/0055910) is respectively traversed.

Preliminarily, Applications traverse the assertion made in the Office Action that error proofing examples are merely document data that can be distributed and that Durbin discloses dynamic data distribution such that the claimed limitation "the error proofing example" distribution cannot be given any patentable weight over Durbin. Applicants respectfully submit that Durbin describes allowing a customer to download an encrypted version of a program having limited use. Then, if the customer wants to purchase the full version of the software, the customer pays a fee and the encrypted program class components are decrypted and made available for execution. Accordingly, Durbin does not describe nor suggest a method in the field of the claimed invention. Applicants respectfully traverse the assertion that controlling the download of a program file is the equivalent of an on-line collaboration of multiple users to develop error-proofing examples for a product design or manufacturing process.

Further, Durbin describes a method of loading Java class components for Java applications running on a Java Virtual Machine. The method described in Durbin relates to the super distribution of Java class components that allows interested customers to download an encrypted version of the program having limited use. If the customer wants to purchase the full version of the software, the customer pays a fee and the encrypted program class

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components are decrypted and made available for execution. More specifically, the method entails downloading the program component class from a sever, checking the class for encryption, checking an encrypted class for payment, sending payment for a non-paid-up class, downloading an encryption key for the paid-up encrypted class, and decrypting the paid-up encrypted class with a key. Notably, Durbin does not describe nor suggest a database that includes error proofing examples entered by a user and meta-data entered by the user that describes the error proofing examples or a failure mode associated with the error proofing example.

Applicants respectfully traverse the assertion in the Office Action that error proofing is merely a type of document data, and that because Durbin describes downloading document data that Durbin also describes at least one error proofing example entered by a user, meta-data entered by the user that describes the at least one error proofing example, and/or a table that includes at least one failure mode associated with the error proofing example. As is known in the art, error-proofing is a manufacturing technique of preventing errors by designing the manufacturing process, equipment, and tools so that an operation literally cannot be performed incorrectly. Durbin is not related to, nor is analogous to, the field of error proofing as described in the present specification and claims, but rather, to the extent understood, Durbin merely describes a program component distribution method that enables customers to download an encrypted version of the program having limited use.

To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (MPEP 2143.03). Applicants respectfully submit that Durbin does not describe nor suggest the claimed invention. Specifically Claim 1 recites a system comprising "a plurality of clients, each said client comprising a plurality of user interface

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classes and at least one class that provides access to a database...a server comprising a plurality of servlets, at least some of said servlets providing at least one of a database and server access capability to each said client...said database comprising a plurality of tables, at least one of said tables comprising at least one error proofing example entered by a user and meta-data entered by the user that describes the at least one error proofing example, at least one of said tables comprising at least one failure mode associated with the error proofing example, the error proofing example, at least one failure mode and meta-data defined by the user when creating the at least one error proofing example, said database accessed by each said client via said server."

Durbin does not describe nor suggest a system as is recited in Claim 1. Specifically, Durbin does not describe nor suggest a database that includes a plurality of tables wherein at least one of the tables includes at least one error proofing example entered by a user. Rather, the file downloaded in Durbin is an encrypted program, which does not contain information entered by the user. Moreover, Durbin does not describe or suggest a database that includes at least one table that includes at least one failure mode associated with the error proofing example. Durbin describes downloading an encrypted program and does not describe or suggest error-proofing in any form. Further, Durbin does not describe or suggest that an error proofing example, at least one failure mode, and/or meta-data that are defined by the user when creating an error proofing example. The encrypted program downloaded in Durbin does not contain meta-data nor does Durbin describe meta-data that is defined by the user. Rather, in contrast to the present invention, Durbin merely describes a program component distribution method that allows interested customers to download an encrypted version of the program having limited use.

Accordingly, Durbin simply does not describe nor suggest an error proofing example entered by a user, meta-data entered by the user to describe the error proofing example, or failure modes associated with the error proofing example, wherein the error proofing example, failure modes, and/or meta-data are defined by the user when creating the error proofing example. Therefore, since all of the claim limitations are not taught or suggested by the prior art, Applicants respectfully submit that the Office Action fails to establish prima facie obviousness of the claimed invention.

Even if the claimed limitation "the error proofing example" distribution cannot be given any patentable weight over Durbin as asserted in the Office Action, Durbin still does not describe or suggest that any portion of the downloaded program is entered by the user or contains meta-data defined by the user.

Furthermore, Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been an obvious to a person having ordinary skill in the art at the time the invention was made to include an error proofing example in the Durbin method. More specifically, it is respectfully submitted that a prima facie case of obviousness has not been established. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." In re Kotzab, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01.

Moreover, the Federal Circuit has determined that:

> [I]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered

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> obvious. This court has previously stated that "[o]ne cannot
> use hindsight reconstruction to pick and choose among isolated
> disclosures in the prior art to deprecate the claimed invention."

In re Fitch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, "it

is impermissible . . . to pick and choose from any one reference only so much of it as will

support a given position, to the exclusion of other parts necessary to the full appreciation of

what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 147

USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of

Applicants' disclosure, in the prior art to combine such references, and a reasonable

expectation of success must be both found in the prior art, and not based on Applicants'

disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a

suggestion, motivation to modify the cited art, nor any reasonable expectation of success has

been shown.

Although it is asserted within the Office Action that Durbin teaches the present

invention except for disclosing at least one error proofing example entered by a user and

describes the at least one error proofing example, at least one of the tables comprising at least

one failure mode associated with the error proofing example, the error proofing example, at

least one failure mode when creating the at least one error proofing example, no motivation,

suggestion to modify the cited art, nor reasonable expectation of success has been shown.

Specifically, no reasonable expectation of success has been shown, because Durbin does not

describe nor suggest a database that includes a plurality of tables wherein at least one of the

tables includes at least one error proofing example entered by a user. Durbin does not

describe any portion of the downloaded program as being entered by the user. Since there is

neither teaching nor suggestion in the cited art for the claimed combination, the Section 103

rejection is based on a hindsight reconstruction in which a nonanlogous disclosure has been

picked and modified in an attempt to deprecate the present invention. Applicants respectfully

submit that such a combination is impermissible, and for at least this reason, request that the Section 103 rejection of Claims 1-19 be withdrawn.

Furthermore, Applicants respectfully submit that no motivation for the modification can be found within Durbin, as Durbin teaches away from the present invention. As stated in the Office Action, Durbin does not disclose at least one error proofing example entered by a user and meta-data defined by the user that describes the at least one error proofing example, at least one of the tables comprising at least one failure mode associated with the error proofing example, and the error proofing example. Rather in contrast to the present invention, Durbin describes merely a method of loading a class component for running on a virtual machine that allows interested customers to download an encrypted version of the program having limited use. Durbin does not describe that any portion of the downloaded program in entered by the user or defined by the user.

If art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Durbin.

Claims 2-12 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-12 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-12 likewise are patentable over Durbin.

Claim 13 recites a method for identifying an error proofing technique for a given application using a web-based system wherein the system includes a plurality of clients including a plurality of user interface classes, a server including a plurality of servlets, and a database including a plurality of tables including at least one example of an error proofing technique entered by a user and user defined meta-data entered by the user to describe the error proofing example wherein the method includes the steps of "entering at least one example of an error proofing technique by a user and meta data entered by the user to describe the error-proofing example...accessing a table containing an error proofing example...storing failure modes in the table associated with the error proofing example...choosing an error proofing technique to fit the given application."

Durbin does not describe nor suggest a method for identifying an error proofing technique for a given application using a web-based system as is described in Claim 13. Specifically, Durbin does not describe nor suggest a method that includes the step of entering at least one example of an error proofing technique by a user and meta data entered by the user to describe the error-proofing example. Durbin does not describe nor suggest a user entering any portion of the downloaded file or a user entering meta-data that describes the entered error-proofing example. Moreover, Durbin does not describe nor suggest a method that includes the step of choosing an error proofing technique to fit the given application. Rather in contrast to the present invention, Durbin merely describes a method of loading a class component for running on a virtual machine that allows interested customers to download an encrypted version of the program having limited use. Accordingly, for at least the reasons set forth above, Claim 13 is submitted to be patentable over Durbin.
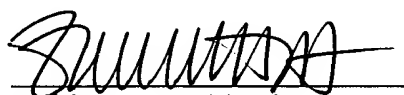
Claims 14-19 depend, directly or indirectly, from independent Claim 13. When the recitations of Claims 14-19 are considered in combination with the recitations of Claim 13, Applicants submit that dependent Claims 14-19 likewise are patentable over Durbin.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-19 be withdrawn.

Claim 20 was indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 20 depends from independent Claim 13 which is submitted to be in condition for allowance. When the recitations of Claim 20 are considered in combination with the recitations of Claim 13, Applicants submit that dependent Claim 20 likewise is in condition for allowance.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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